Time-line and process for revision of DMHMRSAS Human Rights and Licensing Regulations

Fall of 2004

Periodic Review of the Human Rights Regulations

In the fall of 2004 the Department will request of the State Board to proceed with the periodic review of the human rights regulations. Once the periodic review is approved the Department will convene a Human Rights Regulations Revision Work Group made up of stakeholders to assist with the revision of the regulations. The Work Group will convene throughout the revision process.

The Process for the periodic review is as follows:

- The State Board authorizes the periodic review of regulations
 - + The agency posts a notice of Periodic Review on the Townhall, Register, website, etc., to request public comment on the regulations. There must be a minimum of 21 days allowed for submission of comments.
 - + The staff considers the public comments and provides recommendations to the Board for revising the regulations. The Board adopts a course of regulatory action based on the public comments and staff recommendations.
 - + Not later than 90 days following close of public comment period the Agency files its Periodic Review Report on the Townhall. This Report describes the types of regulatory changes that the Agency proposes to make and requests authorization to publish a notice of intended regulatory action (NOIRA). (At this stage the Agency describes the types of changes that it will consider making but does not develop the specific language for the changes.)
- The Department of Planning and Budget (DPB), the Secretary of Health and Human Services and the Governor considers the Agency's Periodic Review Report and authorizes publication of the NOIRA to revise the regulations.

- + The Agency publishes the NOIRA in the Virginia Register and on the Townhall.
- + At least 30 days are provided for public comment after publication of the NOIRA.
- After the NOIRA comment period closes, the Agency drafts specific changes to the regulations taking into account the comments received. Within 180 days following the close of the NOIRA comment period, the Agency must obtain approval of the State Board and submit the proposed regulations on the Townhall for review by DPB, the Secretary of Health and Human Services and the Governor.
- The Governor authorizes the proposed regulations for publication and public comment.
 - + The Agency posts a notice of the public comment period on the Townhall, the Virginia Register, website, etc., to request public comment on the regulations. There must be a minimum of 60 days allowed for submission of comments. Public hearings on the proposed regulations may be conducted during this period.
 - + After the close of the public comment period, the Agency drafts any final revisions to the regulations in response to public comments and submits proposed final regulations for adoption by the State Board. The Board adopts final regulations for promulgation based on public comments and staff recommendations. (The Administrative Process Act requires a summary and description of the public comments to be sent to all public commenters at least five days before the Board adopts final regulations.)
 - + Not later than 150 days following close of public comment period the Agency files the final regulations on the Townhall for approval by DPB, the Secretary of Health and Human Services and the Governor. Once the Agency receives the required approvals, the final regulations are submitted to the Virginia Register for publication. The regulations become final 30 days from the date of publication in the Virginia Register.

Early 2006

Periodic Review of the Licensing Regulations

Executive Order 21 requires periodic reviews every four years. The Office of Licensing will initiate its periodic review early in calendar year 2006. The Office of Licensing will follow the process prescribed above.